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09/855,804	05/16/2001	Linda Ann Roberts	BS00-337	1529
38515	7590	03/19/2007	EXAMINER	
WALTERS & ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			MATTIS, JASON E	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/855,804	ROBERTS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason E. Mattis	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 and 23-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 papers</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed 1/6/07. Claims 1-21 and 23-29 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Dolan et al. (U.S. Pat. 6477246 B1).

**With respect to claim 28,** Dolan et al. discloses a method comprising associating a subscriber number with priority caller information comprising a priority caller number and a priority caller code comprising an instruction for executing a priority action for processing an incoming communication and storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database (**See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority**

**caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database).** Dolan et al. also discloses detecting the incoming communication to a telephone line of a subscriber, consulting the database to determine whether the incoming communication comprises the priority caller information, and executing the priority action if the incoming communication comprises the priority caller information (**See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions**). Dolan et al. further discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a**

**different personal number, initiates an outgoing call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber).**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11-18, 21, 23-25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. in view of Hoopes (U.S. Pat. 6058171).

**With respect to claim 1**, Dolan et al. discloses a system for routing an incoming call from a calling party for a telephone line of a subscriber (**See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that routes calls for a subscriber**). Dolan et al. also discloses a service switching point associated with the telephone line, and a service control point in communication with the service switching point (**See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to local exchange switch 27, which is a service switching point associated with the subscriber line of second entity 22, and for reference to command center 25, which is a service control point in communication with the local exchange switch 27**). Dolan et al further discloses that when the service switching point detects the incoming call, it launches a query comprising a subscriber

number to the service control point (**See column 4 lines 17-46 and Figure 4 of Dolan et al. for reference to after detecting an incoming call sending information including both the caller telephone number and the called telephone number to the command center 25**). Dolan et al. also discloses the service control point receiving the query and referring to a database storing a subscriber's number, priority caller information, and at least one instruction from the subscriber (**See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database**). Dolan et al. also discloses the service control point returning a default response if the calling party is not a priority caller and a priority response if the calling party is a priority caller (**See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to determining if the calling party number has call handling instructions, and if the calling party number has call handling instructions, executing these instructions, meaning that if there is no call handling instructions associated with the calling party number that some default response must be sent such that the call is handled**). Dolan et al. further discloses that the priority response comprises forwarding the incoming call to another telephone associated with another telephone line, forwarding the incoming call to a wireless telephone associated with the subscriber, and establishing a communication session

with a calling party and a computer associated with the subscriber via a computer network (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number, forwards the call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber**). Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

**With respect to claim 5**, Dolan et al. does not disclose that the default response comprises an instruction for the service switching point to terminal the call using a regular ringing tone and the priority response comprises an instruction for the service switching point to terminate the call using a priority alert signal.

**With respect to claim 11**, Dolan et al. discloses a method for routing an incoming call from a calling party for a telephone line of a subscriber (**See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber**). Dolan et al. also discloses associating a subscriber number with priority caller information and storing the subscriber number, the priority caller information, and at least one instruction form the subscriber in a database (**See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which**

**are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being instructions for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database).** Dolan et al. further discloses detecting the incoming call, consulting the database to determine whether the incoming call comprises the priority caller information, and executing the priority action if the incoming call comprises the priority caller information (**See column 5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions**). Dolan et al. also discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a different personal number,**

**initiates an outgoing call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber).** Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.

**With respect to claim 13,** Dolan et al. discloses prompting the calling party to input calling party priority information comprising an instruction for executing a priority action, receiving the calling party priority information, and executing the priority action according to the calling party information (**See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that comprising an instruction for executing an action based on the ID, and for reference to executing a call handling instruction according to the ID entered by the caller).** Dolan et al. also discloses that the priority action includes an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates an outgoing call to a different telephone associated with a different telephone line, such as a business number or a different personal number, initiates an outgoing call to a cell phone,**

**which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber).** Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.

**With respect to claim 14,** Dolan et al. discloses a method for routing an incoming call from a calling party for a telephone line of a subscriber (**See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber**). Dolan et al. also discloses associating a subscriber number with at least one priority caller number comprising two or more priority codes for executing a priority action for processing an incoming communication and storing the subscriber number the priority caller number, and at least one instruction form the subscriber in a database (**See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being priority codes for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database**). Dolan et al. further discloses detecting the incoming call, consulting the database to determine whether the incoming call comprises the at least one priority caller number, and executing the priority action if the incoming communication comprises the at least one priority caller number (**See column**

**5 lines 5-28 and Figure 7 of Dolan et al. for reference to handling a call by receiving it at a local exchange switch, which detects the incoming communication to a telephone line of a subscriber, consulting the message store memory 33 to determine if the caller number is associated with any call handling instructions, and if the caller number is associated with call handling instructions, executing the call handling instructions).** Dolan et al. also discloses that the priority response comprises forwarding the incoming call to another telephone associated with another telephone line, forwarding the incoming call to a wireless telephone associated with the subscriber, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number, forwards the call to a cell phone, which is a wireless telephone, and initiates a connection to various internet devices, which are computer devices associated with the subscriber).** Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

**With respect to claim 15,** Dolan et al. does not disclose playing a priority alert signal to alert the subscriber of the incoming call.

**With respect to claim 21**, Dolan et al. discloses a method for routing an incoming call from a calling party to a telephone line of a subscriber (**See column 2 line 51 to column 3 line 12 and Figure 1 of Dolan et al. for reference to a system that implements a method to route calls for a subscriber**). Dolan et al. also discloses associating a subscriber number with at least one priority code and storing the subscriber number, the at least one priority code, and at least one instruction from the subscriber in a database (**See column 5 lines 5-28 and Figure 3 of Dolan et al. for reference to associating a subscriber number with a list of stored numbers, which are priority caller numbers, as well as instructions for handling calls from these numbers added at the subscriber's discretion, with the instructions being priority codes for executing a priority action and for reference to these numbers and instructions being stored in a message store memory 33, which is a database**).

Dolan et al. further discloses soliciting the calling party for a priority code comprising an instruction for executing a priority action, receiving the calling party priority information, consulting the data base to determine if the priority code matches any of the at least one priority codes, and executing the priority action according to the calling party information (**See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that comprising an instruction for executing an action based on the ID, and for reference to searching message store memory 33 for the information and executing a call handling instruction according to the ID entered by the caller**).

Dolan et al. also discloses that the terminating equipment comprises a telephone and a

**computer (See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to initiating a connection to both telephones and various internet devices, which are computer devices, associated with the subscriber).**

Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

**With respect to claim 29,** Dolan et al. discloses prompting the calling party to input calling party priority information comprising an instruction for executing a priority action, receiving the calling party priority information, and executing the priority action according to the calling parity information (**See column 4 lines 17-58 and Figure 4 of Dolan et al. for reference to prompting a caller to give a touch tone ID, which is priority information that comprising an instruction for executing an action based on the ID, and for reference to executing a call handling instruction according to the ID entered by the caller).** Dolan et al. also discloses that the terminating equipment comprises a telephone and a computer (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to initiating a connection to both telephones and various internet devices, which are computer devices, associated with the subscriber).** Dolan et al. does not disclose that the priority response comprises an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

**With respect to claims 1, 5, 11, 13-15, 21, and 29,** Hoopes, in the field of communications, discloses a priority response comprising an action to ring a telephone

with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone (**See column 5 line 66 to column 7 line 14 and Figure 8 of Hoopes for reference to determining if a caller is a priority caller based on the telephone number of the caller, using a unique ring to signal the caller if the caller is a priority caller, and using a default ring if the caller is not a priority caller**). Using a priority response comprising an action to ring a telephone with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone has the advantage of allowing a called party to determine the priority or identity of a caller before a call is answered based on the type of ring.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Hoopes, to combine using a priority response comprising an action to ring a telephone with an alert signal that is different from a regular ring tone and a default response comprising an action to ring a telephone with a regular ring tone, as suggested by Hoopes, with the system and method of Dolan et al., with the motivation being to allow a called party to determine the priority or identity of a caller before a call is answered based on the type of ring.

**With respect to claim 2**, Dolan et al. discloses that the query comprises priority caller information (**See column 4 lines 17-46 of Dolan et al. for reference to the information that is sent including the telephone number of the caller**).

**With respect to claims 3 and 12**, Dolan et al. discloses that the priority caller information is a telephone number associated with a second telephone line that is used

by the calling party to initiate the incoming call (**See column 4 lines 17-46 of Dolan et al. for reference to the information that is sent including the telephone number of the caller).**

**With respect to claim 4**, Dolan et al. discloses that the priority caller information is a priority code supplied by the calling party (**See column 4 lines 17-46 of Dolan et al. for reference to the information that is sent including the telephone number of the caller as supplied by the caller).**

**With respect to claims 6, 16 and 23**, Dolan et al. discloses that the priority response comprises initiating a call to another telephone associated with the subscriber (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a different telephone associated with a different telephone line, such as a business number or a different personal number).**

**With respect to claims 7, 17, and 24**, Dolan et al. disclose that the another telephone is a wireless telephone (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that forwards the call to a cell phone, which is a wireless telephone).**

**With respect to claims 8, 18, and 25**, Dolan et al. discloses establishing a communication session with a computer associated with the subscriber via a computer network (**See column 4 lines 47-58, column 6 lines 20-47, and Figure 13 of Dolan et**

**al. for reference to based on the call handling instructions associated with the caller number, executing a find me/follow me service that initiates a connection to various internet devices, which are computer devices associated with the subscriber).**

6. Claims 9-10, 19-20, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolan et al. in view of Hoopes as applied to claims 1-8, 11-18, 21, 23-25, and 29 above, and in further view of Taylor (U.S. Pat. 6922411 B1).

**With respect to claims 9, 19, and 26,** the combination of Dolan et al. and Hoopes does not disclose that the communications session uses TCP/IP.

**With respect to claims 10, 20, and 27,** the combination of Dolan et al. and Hoopes does not disclose that the communications session is a voice-over-Internet protocol session.

**With respect to claims 9-10, 19-20, and 26-27,** Taylor, in the field of communications, discloses a follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol (**See column 5 lines 44-49 and column 7 line 48 to column 8 line 3 of Taylor for reference to using TCP/IP and Voice-over-IP protocol as a part of a follow-me-find-me application**). A follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol has the advantage of using two widely accepted transmission formats to transmit a call over the Internet to the subscriber.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Taylor, to combine a follow me service that connects a subscriber using TCP/IP and voice-over-Internet protocol, as suggested by Taylor, with the system and method of Dolan et al. and Hoopes, with the motivation being to use two widely accepted transmission formats to transmit a call over the Internet to the subscriber.

***Response to Arguments***

7. Applicant's arguments filed 1/6/07 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Dolan does not disclose at least one instruction entered by a subscriber and thus fails to disclose the claimed "database having... at least one instruction form the subscriber stored therein", the Examiner respectfully disagrees. Dolan does disclose creating a dynamic profile that creates call handing instructions automatically, as pointed out by the Applicant; however, Dolan also discloses that a call handling instruction may be entered manually by the subscriber (See column 5 lines 5-9 of Dolan et al. for reference to a subscriber entering an instruction that the subscriber always wishes to speak with certain numbers, with the instruction being entered at the subscriber's discretion, meaning the subscriber manually enters the instruction). Therefore, Dolan does disclose the claimed "database having... at least one instruction form the subscriber stored therein" and the rejection is

proper. Further, since Dolan does disclose instructions entered manually at the subscriber's discretion, Dolan does not teach away from the claimed subject matter as argued by the Applicant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600